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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/661,744	09/12/2003	Yukio Izumi	127A 3352	8145
3713	7590	12/20/2005	EXAMINER	
KODA & ANDROLIA 2029 CENTURY PARK EAST SUITE 1140 LOS ANGELES, CA 90067			LANDRUM, EDWARD F	
			ART UNIT	PAPER NUMBER
			3724	

DATE MAILED: 12/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/661,744

Applicant(s)

IZUMI ET AL.

Examiner

Edward F. Landrum

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1, 7, and 8 is/are rejected.
- 7) ☒ Claim(s) 2-6 and 9 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 October 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 7-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kobler et al (U.S Patent No. 3,136,055), hereinafter Kobler, in view of Otsuka et al (U.S Patent No. 5,189,792), hereinafter Otsuka.

Kobler teaches a reciprocating electric shaver where the middle cutting unit (9b) is movable vertically from a standard position to both upper and lower positions (Col. 3, lines 57-75; Col. 4, lines 1-6; also see Figures 2 and 3)

Kobler teaches all of the elements of the current invention as stated above except for at least one cutting unit having a foil-form outer cutter, that the inner cutter is floatably supported, and that the inner cutter is in sliding contact with the inner surface of the outer cutter.

Otsuka teaches a reciprocating electric shaver with floatably supported inner cutting units (Col. 6, lines 44-47), the use of foil-form outer cutters (58, see Figure 1), and the inner cutters (70c) in pressed contact (Col. 8, lines 18-32) with the outer shearing foil (57c).

It would have been obvious to have modified Kobler to incorporate the teachings of Otsuka to create a shaving unit which used present technology to update the shaving

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apparatus to make to make the shaving unit safer and cut closer. The use of an outer foil cutter is old and well known in the art and is used on many forms of electric reciprocating shavers for the purpose of providing a smoother, closer shave. Allowing the inner cutters to engage the outer foil while reciprocating will allow a user to get as close of a shave as possible. Floatably supporting the inner cutters is also old and well known in the art cutting art and would allow the inner cutters to resiliently follow the outer cutters when pressure is either applied or released on the surface of the outer cutter thereby allowing both sets of cutters to function as one unit.

Although Kobler does not explicitly teach the inner cutters being floatably mounted it would have been obvious to floatably mount the inner cutters so that they could follow the vertical movement of the outer cutters and function as a single cutting unit. Thereby allowing a user to refrain from having to apply a force to the shaver into his or her body to properly shave the location.

Allowable Subject Matter

3. Claims 2-6, and 9 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

4. Applicant's arguments filed 10/17/2005 have been fully considered but they are not persuasive.

In response to Applicant's argument that the inner cutter of Kobler is not floatably supported, the use of floating inner cutters is old and well known in the cutting art, and it

would have been obvious to use floatably supported inner cutters in the device of Kobler. Furthermore, Otsuka teaches that the inner cutters are floatably supported with respect to the shaver body

Regarding Applicant's argument that the cutters of Otsuka cannot be used with the outer cutter of Kobler, the argument is not relevant to because the outer foil blade is replacing the outer blade of Kobler. Therefore, the outer cutter, and therefore the slots in the outer cutter, of Kobler would not be part of the modified invention and a jam between the cutter of Otsuka and the outer cutter of Kobler could not occur.

Regarding Applicant's argument that Kobler does not teach the movement of a single cutting unit, Kobler teaches the movement of only the middle of the three cutting units as stated above.

Kobler and Otsuka would be combinable would for the reasons listed above.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edward F. Landrum whose telephone number is 571-272-5567. The examiner can normally be reached on Monday-Friday 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan Shoap can be reached on 571-272-4514. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

EFL

12/13/05



Allan N. Shoap
Supervisory Patent Examiner
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